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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for patents, Washington, D.C. 20231.

Vicki Collins
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Date: May 20, 2002

Vicki Collins
(Signature of person mailing paper)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of	Group Art Unit: 1626
	Attorney Docket No. 237.US
Kim et al	Examiner: Wright, S.
Serial No: 09/555,442	
Filed: May 31, 2000	
Title: Cyclohexene Carboxylates as Neuraminidase Inhibitors	

COPY.

AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is responsive to the Patent and Trademark Office action mailed 19 November 2001. A request for a THREE MONTH extension of time is submitted herewith, whereby the time for response expires on 19 May 2002.

Amendment

Please amend the abstract to be identical to present Claim 35.

Remarks

Applicants request reconsideration of the present application in view of the amendment above and the remarks that follow.

Objections

The Office has objected to the Abstract. Applicants have amended the Abstract to be identical with present Claim 35.

Rejection Under 35 U.S.C. § 102

The Office has rejected Claim 35 under 35 U.S.C. § 102 in view of the Bischofberger reference because, argues the Office, Bischofberger teaches the same compounds.

Applicants respectfully disagree. The Bischofberger compounds are methyl esters. The present compounds are ethyl esters.

Rejection Under 35 U.S.C. § 103

The Office has rejected Claim 35 under 35 U.S.C. § 103 in view of Bischofberger reference because, argues the Office, the present compounds differ by a methyl group. Applicants respectfully traverse the rejection.

The Bischofberger compounds are methyl esters and the present compounds are ethyl esters. They are intermediates for the synthesis of two different pharmaceutical compositions. Each pharmaceutical is administered to an animal. The ester portion of the compound is cleaved to form an active carbocyclic acid in the animal.

The function of the ester portion of the molecule is to provide for oral bioavailability of the parent drug, in this case a carboxylic acid. The Office has argued that the similarity of structure is sufficient to provide knowledge of the properties of the two products.

Applicants respectfully suggest that the Office has not identified a reference which motivates the selection of ethyl among all the possible ester or other prodrugs for the active carboxylic acid. In the absence of such a reference, the Office is asserting that what is obvious from the perspective of an organic chemist looking at physical properties, is also obvious for a medicinal chemist looking at bioavailability.

Request for a Telephonic Interview

If the Examiner deems it useful, Applicants request, at the Examiner's convenience, a telephonic interview with the undersigned for the purpose of expediting the allowance of the present Application.

Respectfully submitted,

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Dated: May 20, 2002